



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,967	03/15/2004	Roger D. Buck	WK/2004-03/US	1335

7590
WARD KRAFT, INC.
P.O. BOX 938
FORT SCOTT, KS 66701

02/23/2007

EXAMINER

PASCUA, JES F

ART UNIT	PAPER NUMBER
----------	--------------

3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/800,967

Applicant(s)

BUCK, ROGER D.

Examiner

Jes F. Pascua

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-21 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/5/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 21 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,257,624 to Fabel. See Fig. 33.

As a note, Fabel discloses at least one of the discrete sections of the business form being affixed to an envelope (column 4, lines 16-46), thus meeting the recitation "each of said first and second business forms including an envelope portion".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,027,014 to Cochran.

Cochran discloses the claimed invention except for the substrate (22) being a first sheet that forms the envelope (30) and a second sheet that forms the removable

Art Unit: 3782

labels (20b, 20c). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the substrate of Cochran as two separate sheets instead of a single substrate, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

Regarding claims 3-5, Cochran discloses the claimed invention, as discussed above, except for the adhesive closure (43e) being one of a transfer tape, rewettable adhesive and cohesive pattern. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the adhesive closure of Cochran with a transfer tape, rewettable adhesive or cohesive pattern, since it was known in the art of envelopes that transfer tapes, rewettable adhesives and cohesive patterns are used to seal the closure flaps on envelopes.

Regarding claims 13-15, Cochran discloses the claimed invention except for the envelope (30) being padded with cushioning material or ridges and valleys. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use cushioning or ridges and valleys in the envelope of Cochran since it was known in the art that the use of cushioning or ridges and valleys in an envelope protect the contents of the envelope during mailing.

5. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No 6,027,014 to Cochran.

Cochran discloses the claimed invention except for the business form including an article of jewelry. It would have been an obvious matter of design choice to include an article of jewelry with the business form of Cochran, since applicant has not

Art Unit: 3782

disclosed that the combination of business forms and jewelry solves any stated problem or is for any particular purpose and it appears that the Cochran invention would perform equally well with an article of jewelry.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran and U.S. patent No 6,257,624 to Fabel.

Cochran discloses the claimed device, especially business form having the dimensions of 8 ½" by 11". However, Cochran does not disclose the business form being provided as first and second business forms separable from one another by a line of weakness. Fabel discloses that it is known in the art to provide a plurality of separable business forms on a sheet of material having the dimensions of 8 ½" by 11". See Fig. 33. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the business form of Cochran as a plurality of separable business forms on the same sheet, as taught by Fabel, in order to permit printing plural forms through a printer in a single pass.

Allowable Subject Matter

7. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jes F. Pascua whose telephone number is 571-272-4546. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone

Art Unit: 3782

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jes F. Pascua
Primary Examiner
Art Unit 3782

JFP